Case 08-35653-KRH Doc 7675 Filed 06/01/10 Entered 06/01/10 15:22:35 Desc Main Document Page 1 of 2

Patricia C. Giordano 760 Durham Road Pineville, PA 18946

May 25, 2010



Clerk of the Bankruptcy Court United States Bankruptcy Court 701 East Broad Street - Room 4000 Richmond, VA. 23219

Dear Sir or Madam:

The purpose of this letter is to respond to the Debtors Seventy-Fourth Objection to Claims (Reclassification of Certain Alleged Administrative Expenses on Account of Employee Obligations).

The objection filed contains inaccurate statements regarding my eligibility to receive payment of the following administrative claims for income due as outlined below and supported by the enclosed documentation. This request is also relative to the attached Notice of Deadline for responding to the Objection by June 1, 2010. I believe that I have a basis for inclusion of administrative claims against Circuit City West Coast, Inc. and request that said payments be classified and paid consistent with the priority of the administrative claims payment process.

I am owed income in the amount of \$20,000 as I have met the vesting requirements to receive the first cash retention payment due and payable January 1, 2009 by "agreeing to the terms of the Award by signing and returning a copy of the enclosed letter", "and remaining continuously employed on a full-time basis with the company through and including the corresponding vesting date."

I am owed income in the amount of \$20,000 for the second vesting period based upon the change of control provisions of the Award letter and the fact that I remained employed through the date that a change in control of the company occurred. The Award letter stipulates (page 2 paragraph #2) that upon the occurrence "of a change in control any restrictions on the outstanding Award lapse." The "sale or other disposition of all or substantially all of the assets of the Company" or the consummation of a plan of complete liquidation" constitute circumstances where a change of control is deemed to have occurred.

I am also owed income per the terms of the October 2008 Turnaround Incentive Plan HR (attachment) the company had previously committed that 2 1/2 months after the performance period ending February 28, 2009, they would pay me a performance bonus based on a combination of my individual performance and certain criteria for the performance of the company.

Based on the criteria outlined I am entitled to a payment of \$24,375,00 due to the following:

- -50% of award was based on my performance which was identified by my superior as Meeting Expectations resulting in entitlement of 100% of 50% of this award.
- -The remaining 50% of the award (company performance portion) was based on EBITDA and company expense reduction. While the company did not achieve the minimum requirements of EBITDA it did achieve an Expense reduction that for a 125% payout for this portion of the bonus. The calculation for my award follows:
- -Individual Performance: Base Salary \$120,000/ Bonus Level 25%/Individual Segment 50% Performance Level 3 (100% payout) which results in \$120,000X.25X.5X1.00=\$15,000.00
- -Company Portion: Base Salary \$120,000/Bonus Level 25%/Company segment 50%/Company Attainment 50%/Cost Reduction Performance Level 95% (125% Payout) which results in \$120,000X.25X.5X1.25=\$9,375.00

 Total Award = \$24,375.00

In summary, as the Regional HR Director for the Northeast Region, I satisfactorily executed all my job requirements for the company from my original date of hire including through the original bankruptcy date of November 10 2008, and continued to do so until my job elimination date of March 21, 2009. In my role, I was instrumental in supporting the closing of stores and coordination of liquidation efforts. The Objection states that the employee must have been employed as of the payout date which was generally mid-May. I would have loved to have had the opportunity to be employed in mid-May. Being denied payment after having met all of the requirements with the exception of this one would appear to be not only grossly unfair but inconsistent with the intent of STIP policy and the bankruptcy code

I anticipate that the Court understands the hardship that Circuit City's liquidation has had on my family and me. The lost salary, bonuses, and non-payment of the above mentioned and other programs has created tremendous hardships on my family and will continue to impact us for a considerable period of time, possibly forever. I would hope that the Court recognizes that the decision to not distribute the above payments needs to be reversed.

I wish to be included in any or all individual or party litigation for all future claims that are administrative. I am thanking the Court in advance for your understanding and consideration in these matters.

Sincerely,

Patricia C. Giordano Case # 08-35653/Claim # 14338 Case # 08-35653/Claim # 3744 Case # 08-35653/Claim # 3743

Name ID: 4999090/Pack ID # 373316 Name ID: 4999093/Pack ID # 373315 Name ID: 4999094/Pack ID # 373317

CC: Counsel to the Debtors and Debtors in Possession

United States Bankruptcy Court for the Eastern District of Virginia Richmond Division

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In Re: Circuit City Stores, Inc. et al. Chapter 11 Case No. 08-35653 (KRH)

Notice of Debtors Seventy-Fourth Omnibus Objection to Claims (Reclassification of Certain Alleged Administrative Expenses On Account of Employee Obligations)

Claimant:
Patricia C. Giordano
760 Durham Road
Pineville, PA 18946
215-598-0850
215-375-2906
Case # 08-35653/Claim # 14338
Case # 08-35653/Claim # 3744
Case # 08-35653/Claim # 3743
Name ID: 4999090/Pack ID # 373315
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